

## ***FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** December 11, 2014

**Agenda Item:** Silver Lake Recreational Use Petition

**Division:** Enforcement

**Action Needed:** Deny Petition or Initiate Rulemaking

**Time Needed on Agenda for this Presentation:** 30 Min

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### **Background**

A petition from Butte-Silver Bow County provides the following background: Silver Lake is a storage reservoir owned and operated by the City and County of Butte-Silver Bow. Silver Lake is located in Deer Lodge County. Water stored in Silver Lake is released to Warm Springs Creek for in-stream flow and industrial purposes. Because Silver Lake is a storage reservoir, its water level can change quickly. A number of intake and outlet structures for the reservoir are located on the east end of Silver Lake. These facilities include the intake for water diverted from Twin Lakes Creek, Storm Lake, and Storm Lake Creek; a gravity flow outlet into Warm Spring Creek; and a bridge and pump station. The east end of Silver Lake is shallow which intensifies the effect of rapid water levels changes. The presence of inlet and outlet structures, the shallow east end of the reservoir, and the potential for rapidly changing water levels throughout the reservoir pose a safety hazard for water craft operated on the lake on the east end. Motorized water craft use in the east end may also lead to trespass and damage to the reservoir structures. In addition, bull trout gather at the inlet structure on the east end of the reservoir during spawning. As a result of these conditions, **motorized water craft speed should be limited to no wake on the entire lake.** The proposed restrictions in the remaining area of the reservoir allow fishing use to continue while providing for public safety.

#### Proposed Rule for Silver Lake:

1. Silver Lake is located in Deer Lodge County.
2. All watercraft on Silver Lake are limited to a controlled no wake speed as defined in ARM [12.11.101](#).

**Public Involvement Process & Results** If approved, the Department would initiate rule making including a public comment period with a public hearing for consideration of rule.

### **Alternatives and Analysis**

#### **Agency Recommendation & Rationale**

Montana FWP recommends the petition be approved. While FWP has no record of any incident on Silver Lake, use of the lake by the public is so limited that the agency sees no reason to object to the petition and allow it to go to public comment.

#### **Proposed Motion:**

I move the Commission approve the amended rulemaking petition to adopt new rules pertaining to motorized boat use on Silver Lake submitted by Butte-Silver Bow County.